

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re Polyurethane Foam Antitrust
Litigation

Case No. 1:10 MD 2196

ORDER PRELIMINARILY APPROVING
SETTLEMENTS AND APPROVING
CERTAIN SETTLEMENT FORMS

This document relates to:
INDIRECT PURCHASER CLASS CASES

JUDGE JACK ZOUHARY

The Motions of the Indirect Purchaser Class for Preliminary Approval of Settlements with certain Defendants (Docs. 1751, 1854) are granted, as amended by recent submissions (*see* Docs. 1859–60).

Because this Court will hold a fairness hearing to examine in more detail the Settlement terms, including any objections or comments, this Court’s review of the Settlements is limited at this stage.

If the preliminary evaluation of the proposed settlement does not disclose grounds to doubt its fairness or other obvious deficiencies, such as unduly preferential treatment to class representatives or of segments of the class, or excessive compensation for attorneys, and appears to fall within the range of possible approval, the court should direct that notice under Rule 23(e) be given to the class members of a formal fairness hearing, at which arguments and evidence may be presented in support of and in opposition to the settlement.

In re Inter-Op Hip Prosthesis Liab. Litig., 204 F.R.D. 330, 350 (N.D. Ohio 2001) (internal quotation marks omitted). Judged by this standard, the Settlements fall within “the range of possible approval” and lack any obvious signs of inadequacy. The Settlements total more than \$151 million. The Settlements represent significant recoveries by the Indirect Purchaser Class, particularly in view of the disputed issues that remained prior to settlement (*see, e.g.*, Doc 1840 at 11 n.1; Doc. 1534 at 9).

For the reasons previously stated in connection with this Court’s decision to certify the Litigation Class (*see* Doc. 1408), this Court certifies the Settlement Class and appoints Marvin A.

Miller as Settlement Class Counsel. Since the Indirect Purchaser Class moved for preliminary approval, Special Master David Cohen has worked closely with counsel to improve the proposed short- and long-form notices (Doc. 1860 at 5–7, 9–21), the plan of allocation description (*id.* at 23–28), and the claim form (*id.* at 30–44). Together with the notice plan (Doc. 1751-12), the short- and long-form notices satisfy Federal Civil Rule 23(e) and due process. This Court therefore approves those forms and the notice plan. This Court likewise approves the claim form and the plan of allocation description, which explain to a class member in plain terms how claims will be processed.

Further Settlement proceedings are scheduled as follows:

Action	Date
Notice to Settlement Class to begin	August 10, 2015
Last publication of notice to Settlement Class	September 15, 2015 to October 14, 2015
Application for Award of Attorney Fees, Reimbursement of Expenses, and Incentive Awards (“Fee Petition”)	October 1, 2015
Deadline for receipt of objections to Settlement and Fee Petition	November 13, 2015
Deadline to opt-out of the Settlement Class	November 25, 2015
Motion for Final Settlement Approval and in Support of Fee Petition	December 7, 2015
Response to Objections	
Fairness Hearing	December 15, 2015 at 10:00 a.m. (EST) in Courtroom 204 of the Ashleys’ Courthouse 1716 Spielbusch Avenue, Toledo, Ohio, 43606

IT IS SO ORDERED.

s/ Jack Zouhary
 JACK ZOUHARY
 U. S. DISTRICT JUDGE
 July 31, 2015